



MAR 26 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Calfee, Halter & Griswold LLP
1400 McDonald Investment Center
800 Superior Avenue
Cleveland, OH 44114

In re Application of	:	
REFFNER, John A., et al.	:	
Application No.: 10/009,806	:	DECISION ON
PCT Application No.: PCT/US99/29559	:	
International Filing Date: 13 December 1999	:	PETITION
Priority Date: 14 December 1998	:	
Attorney Docket No.: 23959/04040	:	UNDER 37 CFR 1.137(b)
For: MINIATURIZED OPTO-ELECTRONIC	:	
MAGNIFYING SYSTEM	:	

Applicants' "Petition for Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 13 November 2001 is **GRANTED**.

BACKGROUND

On 13 December 1999, applicants filed an international application, PCT/US99/29559 with the United States Receiving Office. Applicants elected the United States in a demand filed on 14 July 2000. The thirty month time period for entering the national stage expired at midnight on 14 June 2001.

On 13 November 2001, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition to revive, payment of the petition fee and payment of the basic national fee.¹

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

¹It is noted that the transmittal letter, petition to revive and declaration appear to have been incorrectly stamped with a date of 13 December 2001. For example, the second page of the transmittal letter bears a "13 Dec 2001," but the first page is date stamped "13 Nov 2001." The Express Mail Envelope present in the application file indicated a date in of 13 November 2001.

Applicants state "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as application was filed on 13 December 1999. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

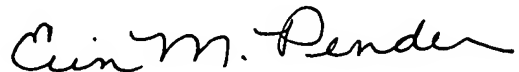
CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is GRANTED as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing. The application has a 35 U.S.C. §371 date of 13 November 2001.



Boris Milef
PCT Legal Examiner
PCT Legal Administration



Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: 703-305-0455
Facsimile: 703-308-6459